

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JOYCE SUZANNE MURPHY,

Plaintiff,

v.

STATE OF WISCONSIN DEPT. OF JUSTICE,

Defendant.

ORDER

10-cv-114-slc

Plaintiff has brought this civil action for monetary relief under 42 U.S.C. § 1983. On April 19, 2010, I found that plaintiff did not qualify for indigent status because she has substantial assets including \$21,000 in home equity, two cars with a value of approximately \$1250, and a total of \$9756 in checking and savings accounts.

Now plaintiff moves for reconsideration because she says her financial situation has changed. Plaintiff indicates that the two automobiles she owns are both in need of costly repairs and that she has less than \$100 in her personal bank account. However, plaintiff and her husband still have \$21,000 in home equity and plaintiff's husband has \$7,500 in a bank account. As plaintiff has been advised, under Wisconsin's marital property laws, her husband's income and assets are considered to be plaintiff's as well. Because these assets alone total \$28,500, I cannot find that plaintiff is indigent for the purposes of pursuing this lawsuit. Therefore, plaintiff's motion for reconsideration of this court's April 19 order will be denied. I will allow plaintiff until May 27, 2010 in which to pay the \$350 filing fee or her case will be dismissed without prejudice for failure to prosecute it.

ORDER

IT IS ORDERED that plaintiff's motion for reconsideration, dkt. #6, is DENIED.

Further, IT IS ORDERED that plaintiff may have until May 28, 2010, in which to pay the \$350 fee for filing this lawsuit. If by May 28, 2010, plaintiff fails to pay the fee, the clerk of court is directed to enter judgment dismissing this case without prejudice for plaintiff's failure to prosecute it.

Entered this 5th day of May, 2010.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge